

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Sections 27.60 and 28.59
Title 14, California Code of Regulations
Re: Surfperch Bag Limit

I. Date of Initial Statement of Reasons: October 21, 2005

II. Dates and Locations of Scheduled Hearings:

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| (a) | Notice Hearing: | Date: December 9, 2005
Location: Concord, CA |
| (b) | Discussion/Adoption Hearing: | Date: February 3, 2006
Location: Sacramento, CA |

III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

In 2002, Section 27.60, Title 14, CCR was amended and Section 28.59, Title 14, CCR, was added to reduce the recreational daily bag limit for surfperch from 10 of any one species to five of all species in combination, excluding shiner surfperch.

The Department has reanalyzed its data and has determined that the reduction in the surfperch bag limit was not necessary.

The proposed regulatory change would increase the daily recreational bag limit for surfperch. The Commission will consider a daily bag limit between 15 and 20 surfperch in combination of species, excluding shiner surfperch. Not more than 10 surfperch may be of any one species.

The Commission will also consider a special sub-limit for redbtail surfperch of five fish. However, the Department does not have biological information that suggests specific protection for redbtail surfperch is warranted. The Department recommends that the Commission not adopt this special sub-limit for redbtail as it would add unwarranted complexity to the regulations without a reasonably compelling need.

The new bag limits would apply in all marine waters statewide, except for San Francisco Bay and San Pablo Bay, where the daily bag limit will remain at five fish in combination.

Minor changes to the existing language of Section 28.59, Title 14, CCR, are proposed to improve clarity and enforceability.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 205 and 220, Fish and Game Code.

Reference: Sections 200, 202, 205, 215, 220 and 7120, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change:

None.

- (d) Identification of Reports or Documents Supporting Regulation Change:

None.

- (e) Public Discussions of Proposed Regulations Prior to Notice Publication:

None.

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

No alternatives were identified.

- (b) No Change Alternative:

The existing regulations would restrict recreational fishermen from increasing their daily bag limit.

- (c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no significant adverse impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. There is likely to be some positive but negligible impact to sportfishing tackle wholesalers and manufacturers resulting from the regulatory change allowing for increased take of surfperch.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

The proposed regulations will not directly result in the creation or elimination of jobs or businesses in California. There is likely to be some positive but negligible expansion of existing businesses for tackle wholesalers, tackle manufacturers, and others that provide goods and services to sportfishermen.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None.

(h) Effect on Housing Costs:

None.

Informative Digest/Policy Statement Overview

Existing regulations of Section 27.60 and Section 28.59 of Title 14, CCR, provide for a recreational daily bag limit of five surfperch of any species in combination, excluding shiner surfperch.

The proposed regulatory change would increase the daily recreational bag limit for surfperch. The Commission will consider a daily bag limit between 15 and 20 surfperch in combination of species, excluding shiner surfperch. Not more than 10 surfperch may be of any one species.

The Commission will also consider a special sub-limit for redbait surfperch of five fish. However, the Department does not have biological information that suggests specific protection for redbait surfperch is warranted. The Department recommends that the Commission not adopt this special sub-limit for redbait as it would add unwarranted complexity to the regulations without a reasonably compelling need.

The new bag limits would apply in all marine waters statewide, except for San Francisco Bay and San Pablo Bay, where the daily bag limit will remain at five fish in combination.

Minor changes to the existing language of Section 28.59, Title 14, CCR, are proposed to improve clarity and enforceability.